

Message Text

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PAGE 01 STATE 140549
ORIGIN OES-07

INFO OCT-01 EUR-12 EA-12 ISO-00 /032 R

66011

DRAFTED BY:OES/OFA/FA:RVARNAUDO

APPROVED BY:OES/OFA/FA:JASTORER

-----064224 030509Z /10

P 022258Z JUN 78

FM SECSTATE WASHDC

INFO RUEHKO/AMEMBASSY TOKYO PRIORITY 5950

AMEMBASSY OTTAWA PRIORITY

UNCLAS E F T O STATE 140549

FOL COMDT COGARD 312100Z MAY 78 SENT ACTION CCGDSEVENTEEN
JUNEAU AK INFO COMPACAREA COGARD SAN FRANCISCO
DEPT OF STATE DIRECTOR NMFS WASHDC NMFS JUNEAU MAY 30, 1978
REPEATED TO YOU QUOTE

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G-O TO O

INPFC; INTERIM ENFORCEMENT GUIDANCE

1. BACKGROUND. PROTOCOL AMENDING INPFC SIGNED 25 APR 78 (COPY MAILED TO COMPACAREA(POL), CCGD17(OIL) AND NMFS JUNEAU ON 3 MAY 78) UNDERSTOOD TO BE PRESENTLY BEFORE NSC FOR FORWARDING TO PRESIDENT THEN-CE TO CONGRESS. RELATED BILL TO AMEND NORTH PACIFIC FISHERIES ACT (16 USC 1021, ET.SEQ.) BEING CONSIDERED BY CONGRESS. EXPECT HOUSE PASSAGE NLT 2 JUN; SENATE 5-6 JUN. INASMUCH AS HOUSE/SENATE BILLS DIFFER, REFERRAL TO CONFERENCE COMMITTEE WILL BE REQUIRED; ANTICIPATE 9-10 EARLIEST DATE FOR CONGRESSIONAL PASSAGE OF FINAL BILL. JAPANESE DIET HAS RATIFIED THE PROTOCOL AND GOJ ADVISES THAT PROVISIONS OF NEW PROTOCOL WILL BE APPLIED TO THE 1978 SEASON EVEN IF USG HAS NOT COMPLETED ITS INTERNAL REVIEW/APPROVAL PROCEDURES BY THE 091500Z JUN 78 OPENING OF SALMON FISHING WITHIN FCZ WEST OF 175E. COMDT UNABLE TO PREDICT DATE OF PROTOCOL RATIFICATION BY USG AND GOC.

2. SITUATION. UNTIL SUCH TIME AS THE NEW PROTOCOL AND RELATED
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AMENDMENT TO 16 USC 1021 ENTER INTO FORCE, TECHNICALLY: (A) GOJ NOT BOUND UNDER INTERNATIONAL LAW TO OBSERVE 1978 PROTOCOL, AND(B) COGARD LAW ENFORCEMENT ACTION IS GOVERNED BY CURRENT/EFFECTIVE PROVISIONS OF DOMESTIC LAW (I.E., CONTINUATION OF 1977 SEASON PRACTICES AS GENERALLY OUTLINED IN CCGD17 MSG 161629Z JUN 77 AND PARA 4 OF ENCL (3) TO COMDTINST 16214.1A). NEVERTHELESS, JA NATIONALS AND VESSELS WILL BE EXPECTED TO COMPLY WITH THE MORE RESTRICTIVE PROVISIONS OF

THE 1978 PROTOCOL. DOS REGISTRATION PERMITS HAVE BEEN ISSUED TO SIX JA MOTHERSHIPS AND ASSOCIATED CATCHER VESSELS FOR 1978 HIGH SEAS SALMON FISHERY. PERMIT LISTING MAILED TO COMPACAREA(POL), CCGD17(OIL) AND NMFS JUNEAU ON 25 MAY. SAMPLE COPY OF REGISTRATION PERMIT MAILED 30 MAY.

3. ACTION. UNTIL FURTHER ADVISED, COGARD FISHERIES LAW ENFORCEMENT PERSONNEL WILL BE GUIDED BY THE FOLLOWING WITH RESPECT TO JA HIGH SEAS SALMON OPS WITHIN INPFC CONVENTION AREA:

A. CORRECT REGISTRATION PERMIT LISTING (KYOKUSEI MARU FLEET) - PERMIT NR 7800231 KORYO MARU NR128: CHANGE HK2-13736 TO READ HK2-17093 AND JHTY TO READ JQML.

B. JA NATIONALS AND FISHING VESSELS (AS DEFINED BY NEW ART I IN PROTOCOL) ARE EXPECTED TO COMPLY WITH PROVISIONS OF 1978 PROTOCOL, INCLUDING ITS ANNEX, AGREED MINUTES AND MEMORANDA OF UNDERSTANDING.

C. ENFORCEMENT WITHIN FCZ:

(1) BOARD AND INSPECT AS MATTER OF RIGHT;

(2) JA VESSELS NOT ISSUED REGISTRATION PERMIT AND FOUND TO BE ENGAGED IN SALMON FISHERY SHALL BE TREATED IAW COMDTINST 16214.1A FOR VIOLATION OF FCMA;

(3) JA VESSELS, FOR WHICH REGISTRATION PERMIT ISSUED, OBSERVED CONDUCTING SALMON FISHERY OPS CONTRARY TO PROVISIONS OF 1978 PROTOCOL SHALL BE DETAINED PENDING RECEIPT OF DISPOSITION INSTRUCTIONS FROM COMDT.

D. ENFORCEMENT BEYOND FCZ:

(1) BOARD AND INSPECT AS PROVIDED BY PARA 1(B) OF NEW ART IX IN PROTOCOL. (NOTE: LIMITED TO "VESSELS FISHING FOR ANADROMOUS SPECIES; UNCLASSIFIED

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DOES NOT INCLUDE MOTHERSHIPS OR SUPPORT VESSELS EXCEPT PURSUANT TO REQUEST/INVITATION FROM VESSEL'S MASTER);

(2) JA VESSELS OBSERVED FISHING FOR SALMON CONTRARY TO PROVISIONS OF 1978 PROTOCOL SHALL BE DETAINED AS PROVIDED BY PARA 1(B) (II) OF ART IX IN 1978 PROTOCOL. (NOTE: SPECIAL INSTRUCTIONS WILL BE PROVIDED BY COMDT WHEN REPORT OF APPARENT VIOLATION INVOLVES A MOTHERSHIP.) -

E. REPORT ALL APPARENT VIOLATIONS OF INPFC BY IMMEDIATE PRECEDENCE MESSAGE TO COMDT (G-O), INFO COMPACAREA, SECSTATE AND DIRECTOR NMFS WASHDC.

4. FOR PURPOSES OF COGARD INPFC ENFORCEMENT:

A. "DULY AUTHORIZED OFFICIALS" ARE AS DEFINED IN PARA (D) OF ENCL

(1) TO COMDTINST 16214.1A;

B. "CREDENTIALS ISSUED BY THEIR RESPECTIVE GOVERNMENTS" SHALL BE A PROPERLY EXECUTED FORM CG-5103 OR, AS A SECONDARY ALTERNATIVE, DD FORM 2CG (ACTIVE) UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, FISHING LIMITS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE140549
Document Source: CORE
Document Unique ID: 00
Drafter: OES/OFA/FA:RVARNAUDO
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780232-0600
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Message ID: fa1b077c-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2137680
Secure: OPEN
Status: NATIVE
Subject: INTERIM ENFORCEMENT GUIDANCE
TAGS: EFIS, PLOS, JA, US
To: TOKYO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/fa1b077c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014